



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

March 28, 2023

Via Electronic Mail To: edenega@orangecountygov.com

Erik Denega, P.E., P.M.P., Public Works Commissioner
Orange County Department of Public Works
Division of Environmental Facilities and Services
P.O. Box 637
Goshen, NY 10924

Re: **Administrative Order on Consent**
Docket No. CWA-02-2023-3013
Orange County Sewer District #1 – Harriman Sewage Treatment Plant ("OCSD #1")
SPDES Permit No. NY0027901

Dear Commissioner Denega:

Enclosed, please find a fully executed Administrative Order on Consent ("AOC" or "Order"), Docket No. CWA-02-2023-3013, issued pursuant to Section 309 of the Clean Water Act ("CWA"). The terms of this Order became effective upon the date of execution by the Director of the Enforcement and Compliance Assurance Division.

Please acknowledge receipt of the effective AOC on the acknowledgment page and return it via electronic mail to Douglas McKenna, Chief, Water Compliance Branch at mckenna.douglas@epa.gov with copy to Christy Arvizu at arvizu.christy@epa.gov. Failure to comply with the enclosed Order may subject the County of Orange to civil or criminal penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

If you have any questions regarding the enclosed Order, please contact Douglas McKenna at (212) 637-4244 or via electronic mail at the previously provided address. Thank you for your cooperation.

Sincerely,

For Dore LaPosta, Director
Enforcement and Compliance Assurance Division

Enclosures

cc: Edward Hampston, P.E., Director, Bureau of Water Compliance Programs, NYSDEC
(edward.hampston@dec.ny.gov)
Robert J. Gray, P.E., Deputy Commissioner, Orange County Division of Environmental Facilities & Services (RGray@orangecountygov.com)
Anthony Griffin, P.E., Principal Sanitary Engineer, Orange County Division of Environmental Facilities & Services (AGriffin@orangecountygov.com)

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

Orange County
P.O. Box 637
2455-2459 Route 17M
Goshen, New York 10924-0637

OCSD #1 Harriman Sewage Treatment Plant
SPDES Permit No. NY0027901

RESPONDENT

Proceeding pursuant to Section 309(a) of the
Clean Water Act, 33 U.S.C. § 1319(a)

**ADMINISTRATIVE ORDER ON
CONSENT**

CWA-02-2023-3013

I. PRELIMINARY STATEMENT

This Administrative Order on Consent ("AOC") is entered into voluntarily by the United States Environmental Protection Agency ("EPA"), Region 2, and Orange County ("Respondent") pursuant to Section 309(a) of the Clean Water Act ("CWA" or "the Act"), 33 U.S.C. § 1319(a). The authority has been delegated by the Administrator of the United States Environmental Protection Agency ("Administrator") to the Regional Administrator, EPA Region 2 and further delegated to the Director of the Enforcement and Compliance Assurance Division, EPA Region 2.

II. JURISDICTION AND STATUTORY AUTHORITY

1. Section 201 of the Act, 33 U.S.C. § 1281 provides that the purpose of this Subchapter is to require and to assist the development and implementation of waste treatment management plans and practices which will achieve the goals of Act.
2. Section 212(2)(A) of the Act, 33 U.S.C. § 1292(2)(A), defines the term "treatment works" as, among other things, any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement Section 201 of this Act, 33 U.S.C. § 1281, or necessary to recycle or reuse water at the most economical cost over the estimated life of the works.
3. Section 402(b)(8) of the Act, 33 U.S.C. § 1342(b)(8), along with Section 307(b) of the Act, 33 U.S.C. § 1317(b), establish the National Pretreatment Program to regulate discharges from industries to Publicly Owned Treatment Works ("POTW") as a component of the National Pollutant Discharge and Elimination System Permitting Program. The National Pretreatment Program requires non-domestic dischargers to treat or control pollutants in their wastewater before discharging to a POTW.

4. Section 307(b) of the Act, 33 U.S.C. § 1317(b), requires the Administrator to propose, publish, and revise, when needed, regulations establishing Federal standards of performance (“Pretreatment Standards”).
5. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into navigable waters of the United States except in compliance with the terms and conditions of a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
6. The principal Clean Water Act program authorizing the discharge of pollutants is the National Pollutant Discharge Elimination System (“NPDES”) permit program established by Section 402 of the Clean Water Act. 33 U.S.C. § 1342(a).
7. A NPDES permit authorizes the discharge of pollutants subject to various terms and conditions designed to ensure that the discharges remain consistent with the Clean Water Act’s objectives of restoring and maintaining the integrity of the waters of the United States.
8. In most cases, as permitted by Section 402(b) of the CWA, states have elected to administer the NPDES program within their jurisdiction. 33 U.S.C. § 1342(b). New York has been authorized by EPA to administer the program in the State since October 28, 1975, and NYSDEC is the agency charged with administration of the New York State NPDES program. NPDES permits issued and administered by NYSDEC are referred to under state law as State Pollutant Discharge Elimination System (“SPDES”) permits.
9. EPA is authorized to issue administrative orders requiring municipalities to comply with the conditions and requirements of a NPDES permit (including a SPDES permit). 33 U.S.C. § 1319(a).
10. Section 502(5) of the Act, 33 U.S.C. § 1362(5), defines the term “person” to include a municipality.
11. Section 502(4) of the Act, 33 U.S.C. § 1362(4), defines the term “Municipality” to include among other things, a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes.
12. Section 502(6) of the Act, 33 U.S.C. § 1362, defines “pollutant” to include, *inter alia*, sewage.
13. Section 502(7) of the Act, 33 U.S.C. § 1362(7), defines navigable waters to be “waters of the United States, including the territorial seas.” EPA regulations promulgated pursuant to the CWA define the term “waters of the United States” to include, among other things: 1) all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; 2) all interstate waters; 3) all other waters such as intrastate lakes, rivers and streams (including intermittent streams), the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; 4) tributaries of waters of the United States; and 5) certain wetlands (including wetlands adjacent to these waters). 40 C.F.R. § 122.2.

14. Section 502(12) of the Act, 33 U.S.C. § 1362(12), defines “discharge of a pollutant” to mean, among other things, “any addition of any pollutant to navigable waters from any point source.”
15. Section 502(14) of the Act, 33 U.S.C. § 1362(14), defines the term “point source” as “any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel...from which pollutants are or may be discharged.”
16. In 1981, EPA promulgated the General Pretreatment Regulations at 40 C.F.R. Part 403 (“Part 403” or the “General Pretreatment Regulations”), 46 Fed. Reg. 9404 (Jan. 28, 1981), and amended Part 403 in 1983 and 1995, 48 Fed. Reg. 2776 (Jan. 21, 1983) and 60 Fed. Reg. 33931 (Jun. 29, 1995), respectively. Part 403 implements Sections 204(b)(1)(C), 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(h)(5) and 301(i)(2), 304 (e) and (g), 307, 308, 309, 402(b), 405 and 501(a) of the Act. 40 C.F.R. § 403.1(a).
17. “POTW,” as defined by 40 C.F.R. § 403.3(q) means a treatment works, as defined in Section 212 of the Act, 33 U.S.C. § 1292, which is owned by a State or municipality, and includes, among other things, any device and any system that, at a minimum, stores, treats, or disposes of municipal waste or industrial wastes, including waste in combined storm water and sanitary sewer systems.
18. Pursuant to 40 C.F.R. § 403.3(d), the term “Approved POTW Pretreatment Program or Program” means a program administered by a POTW that meets the criteria established in the General Pretreatment Regulations and which has been approved by a Regional Administrator or State Director in accordance with § 403.11 of the Regulations.
19. Pursuant to 40 C.F.R. § 403.3(f), the term “Control Authority” refers to (1) the POTW if the POTW’s Pretreatment Program Submission has been approved in accordance with 40 C.F.R. § 403.11; or (2) the Approval Authority if the Submission has not been approved. The term “Approval Authority” means the Director in a State with an approved National Pollutant Discharge Elimination System (“NPDES”) pretreatment program or the appropriate Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.
20. Pursuant to Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), “...whenever, on the basis of any information available to him, the Administrator finds any person is in violation of Section 1311, 1312, 1316, 1317, 1318, 1328, or 1345 of this title, or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under Section 1342 of this title by him, or by a State or in a permit issued under Section 1344 of this title by a State, he shall issue an order requiring such person to comply with such section or requirement, or he shall bring a civil action in accordance with subsection (b) of this Section.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent is a municipality within the meaning of Section 502(4) of the CWA, and is therefore a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. §§ 1362 (4) and (5).
2. Respondent operates the Orange County Sewer District #1 Harriman Sewer Treatment Plant (the “Facility”), located at 72 River Road, Harriman, New York. The Facility is a Publicly Owned Treatment Works (“POTW”) as defined by 40 C.F.R. § 403.3(q), and Section 212 of the Act, 33 U.S.C. § 1292.

3. The Facility is a “point source” within the meaning of Section 502(14) of the Act, 33 U.S.C. § 1362(14), which discharges pollutants into the Ramapo River, a water of the United States. Therefore, Respondent is subject to the provisions of the CWA and its implementing regulations.
4. EPA alleges that Respondent is in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a), by having failed to comply with various terms and conditions of the State Pollutant Discharge Elimination System Permit (“SPDES”) issued by the New York State Department of Environmental Conservation (“State” or “NYSDEC”), as authorized by EPA under Section 402(b) of the CWA, 33 U.S.C. § 1342(b), to Respondent’s Sewage Treatment Plant (“STP”) and related appurtenances, and by causing unauthorized discharges of pollutants to waters of the United States.
5. The NYSDEC issued SPDES Permit No. NY0027901 (“Permit”), pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, to Respondent for the discharge of pollutants from the Facility to the Ramapo River, a water of the United States. The Permit became effective on March 1, 2020, and will expire on February 28, 2025.
6. In accordance with the requirements of the CWA and its implementing regulations, Respondent submitted to EPA an Industrial Pretreatment Program (“IPP”) Submission in 2007. The implementation of the IPP requires the Respondent to control industrial discharges into its municipal sewer system and prevent the introduction of pollutants into the POTW that interfere with the POTW’s operations or pass through the POTW. On July 8, 2008, EPA approved the Respondent’s IPP Submission (hereinafter referred to as the “Approved IPP”).
7. The Permit sets forth the Pretreatment Program Implementation Requirements and implements the General Pretreatment Regulations provided at 40 C.F.R. Part 403, which regulations are promulgated pursuant to Section 307 of the CWA, 33 U.S.C. § 1317.
8. Pursuant to Section 301(b)(1)(C) of the Act, 33 U.S.C. § 1311(b)(1)(C), certain conditions of the Approved IPP are incorporated by reference in the Permit. Conditions A through D of the Permit (pages 10 – 12) contain Pretreatment Program Implementation Requirements, as required by Section 307 of the CWA, 33 U.S.C. § 1317.
9. Condition B of the Permit (pages 10 – 11) requires Respondent to implement its Approved IPP and the General Pretreatment Regulations at 40 C.F.R. Part 403. Specifically, Condition B includes, but is not limited to, the following requirements:
 - (a) Respondent shall implement a POTW Pretreatment Program in accordance with 40 C.F.R. Part 403 (the General Pretreatment Regulations) and as set forth in the Respondent’s Approved IPP;
 - (b) Respondent shall identify the character and volume of pollutants contributed to the POTW by each industrial user that is classified as a Significant Industrial User (“SIU”);
 - (c) Respondent shall control, through the permit (referred to herein by EPA as “Industrial User Permits”), the contribution to the POTW by each SIU to ensure compliance with applicable pretreatment standards and requirements. Permits shall contain, but not be limited to,

limitations, sampling frequency and type, reporting and self-monitoring requirements, an expiration date not later than five years from the date of permit issuance;

- (d) Respondent shall adequately inspect each SIU at a minimum frequency of once per year; and
 - (e) Respondent shall investigate instances of noncompliance and conduct enforcement activities in accordance with the Enforcement Response Plan (“ERP”).
10. On September 21, 2022, EPA conducted a Pretreatment Compliance Inspection (“PCI”) of the Respondent’s Approved IPP to determine compliance with the requirements in the Permit and the General Pretreatment Regulations at 40 C.F.R. Part 403.
 11. On November 23, 2022, EPA transmitted the PCI inspection report (“PCI Report”) to Respondent via electronic mail and certified mail.
 12. Based on the findings of the PCI, EPA alleges the following violations:
 - (a) Respondent failed to control through a permit, order, or similar means, the contribution to the POTW by industrial users to ensure compliance with applicable Pretreatment Standards and Requirements. Specifically, the Village of Kiryas Joel Water Department had been discharging to the POTW without a permit since 2012 as required in accordance with 40 C.F.R. § 403.8(f)(1)(iii) and Condition B of the Permit;
 - (b) Respondent failed to ensure that its control mechanisms, or industrial user permits were consistent with Federal pretreatment regulations in 40 C.F.R. § 403.8(f)(1)(iii)(B) and Condition B of the Permit;
 - (c) Respondent failed to ensure industrial user permits included notification and recordkeeping requirements in accordance with 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and Condition B of the Permit;
 - (d) Respondent failed to ensure industrial user permits contained effluent limits based on applicable general Pretreatment Standards in Part 403, categorical Pretreatment Standards, local limits, and State and local law in accordance with 40 C.F.R. § 403.8(f)(1)(iii)(B)(3). 40 C.F.R. § 403.8(f)(2)(iii) also requires the Control Authority [Respondent] to notify users of applicable pretreatment standards and requirements and Condition B of the Permit;
 - (e) Respondent failed to document inspections conducted at SIUs which are required to be conducted at least once a year in order to identify and determine, independent of information supplied by the industrial user, if the industrial user is in compliance with pretreatment requirements in accordance with 40 C.F.R. § 403.8(f)(2)(v) and Condition B of the Permit;
 - (f) Respondent failed to randomly sample and analyze the effluent from each SIU at least once a year, in accordance with 40 C.F.R. § 403.8(f)(2)(v) and Condition B of the Permit;
 - (g) Respondent failed to document evaluations of the need for a plan or other action to control slug discharges from SIUs, in accordance with 40 C.F.R. § 403.8(f)(2)(vi) and Condition B of the Permit;

(h) Respondent failed to implement its ERP in accordance with 40 C.F.R. § 403.8(f)(5) and Condition B of the Permit.

13. Based on the above findings of fact and conclusions of law, EPA alleges that Respondent is in violation of: the conditions implementing Section 307 of the CWA, 33 U.S.C. § 1317, the Permit issued under the authority of Section 402 of the CWA, 33 U.S.C. § 1342, as well as the regulations implementing Sections 301 and 307 of the CWA, 33 U.S.C. § 1317, and 33 U.S.C. § 1311.

IV. COMPLIANCE REQUIREMENTS

In consideration of the above Findings, and pursuant to the provisions of Section 309(a) of the Act, 33 U.S.C. § 1319(a), EPA has determined, and Respondent agrees, that compliance with the following requirements is reasonable.

IT IS HEREBY AGREED:

Village of Kiryas Joel Water Treatment Plant

1. By **June 1, 2023**, Respondent shall issue a new SIU permit to the Village of Kiryas Joel Water Treatment Plant, in accordance with 40 C.F.R. § 403.8(f)(1)(iii).
2. By **September 30, 2023**, Respondent shall sample the Village of Kiryas Joel Water Treatment Plant, in accordance with 40 C.F.R. § 403.8(f)(2)(v).

Industrial User Permits

3. By **June 1, 2023**, Respondent shall revise or amend its industrial user permits to include the following:
 - (a) Description of the sampling location in accordance with 40 C.F.R. § 403.8(f)(1)(iii)(B)(4);
 - (b) Specify the type of sampling required, in accordance with 40 C.F.R. § 403.8(f)(1)(iii)(B)(4);
 - (c) Slug discharge control plan requirements for SIUs that have been identified as needing such a plan, in accordance with 40 C.F.R. § 403.8(f)(1)(iii)(B)(6);
 - (d) Requirement to notify the Respondent of any changes at the SIU's facility affecting potential for a slug discharge, in accordance with 40 C.F.R. § 403.8(f)(2)(vi) and 40 C.F.R. § 403.12(f);
 - (e) Requirement to notify the Respondent of violations within 24 hours of becoming aware of a violation, in accordance with 40 C.F.R. § 403.8(f)(1)(iii)(B)(4) and 40 C.F.R. § 403.12(g)(2);
 - (f) Specify the applicable categorical subpart and Pretreatment Standard, in accordance with 40 C.F.R. § 403.8(f)(2)(iii);
 - (g) Requirement to promptly notify the Respondent in advance of any substantial change, including decreases, in the volume or character of pollutants in the industrial user's discharge in accordance with 40 C.F.R. § 403.12(j);
 - (h) Records retention requirements in accordance with 40 C.F.R. § 403.12(o)(2); and,
 - (i) Requirement to notify the Respondent at least ten days in advance of an anticipated bypass and require oral notification within 24 hours and written notification within five days of becoming aware of an unanticipated bypass in accordance with 40 C.F.R. § 403.17(c).

4. By **June 1, 2023**, Respondent shall review its industrial user permits to determine applicable toxic organic management plan requirements and ensure industrial user permits are updated accordingly.

Inspections

5. **Immediately**, Respondent shall conduct inspections of industrial users at least once per year in order to identify and determine compliance with pretreatment requirements, in accordance with 40 C.F.R. § 403.8(f)(2)(v). Respondent shall maintain documentation of its inspections.

Slug Discharge Control Plans

6. By **June 1, 2023**, Respondent shall evaluate the need for SIUs to develop a slug discharge control plan or other action to control slug discharges, in accordance with 40 C.F.R. § 403.8(f)(2)(vi). Respondent shall maintain documentation of slug discharge control plan evaluations.

Enforcement Response Plan

7. **Immediately**, Respondent shall implement its approved Enforcement Response Plan and ensure appropriate escalating enforcement is taken, in accordance with 40 C.F.R. § 403.8(f)(5).

Quarterly Progress Reports

8. No later than **twenty (20) days** after the close of each calendar quarter (*e.g.* October – December, January – March, April – June, and July – September), Respondent shall submit to EPA a written progress report outlining all activities implemented and the status of any issues encountered implementing activity required pursuant to this Order.

Pretreatment Program Implementation

9. Respondent shall ensure compliance with the conditions of the Permit and the requirements of the Pretreatment Program regulations.

V. SUBMISSIONS AND NOTIFICATIONS

1. Unless otherwise noted, all submissions required by this AOC shall be signed by a duly authorized representative of Respondent.
2. All information or documents required to be submitted by Respondent pursuant to this AOC shall, be sent electronically to the following individuals:

Douglas McKenna, Chief
Water Compliance Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency - Region 2
mckenna.douglas@epa.gov
with copy to
arvizu.christy@epa.gov

Pursuant to 40 C.F.R. § 122.22, all information or documents required to be submitted by Respondent shall be signed (including, as necessary, using a verifiable electronic signature) by an authorized representative of Respondent, and shall include the following certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

VI. DELAY OF PERFORMANCE/FORCE MAJEURE

1. “Force Majeure,” for purposes of this AOC, is any event arising from causes beyond the control of Respondent, or any entity controlled by Respondent, that delays or prevents performance of any obligation under this AOC, notwithstanding Respondent’s best efforts to avoid the delay. The best-efforts requirement includes using best efforts to anticipate any such event and to minimize the delay caused by any such event to the greatest extent practicable. Examples of events that are not force majeure events include, but are not limited to, increased costs or expenses of any work to be performed under this AOC, Respondent’s financial or business difficulties, and normal inclement weather.
2. Unless otherwise specified, if any event may occur or has occurred that may delay the performance of any obligation under this AOC, whether or not caused by a force majeure, Respondent shall notify, by telephone, the following EPA contact within two (2) business days of when Respondent knew or reasonably should have known that the event might cause a delay:

Douglas McKenna, Chief
Water Compliance Branch
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency, Region 2
(212) 637-4244

Within fifteen (15) business days thereafter, Respondent shall provide in writing the reasons for the delay, the anticipated duration of the delay, the measures taken or to be taken to prevent or minimize the delay, and a timetable by which those measures will be implemented. Respondent shall exercise its best efforts to avoid or minimize any delay and any effects of a delay. Failure to comply with the notice requirement of this paragraph shall preclude Respondent from asserting any claim of force majeure.

3. If EPA agrees that an actual or anticipated delay is attributable to force majeure, the time for performance of the obligation shall be extended by written agreement of EPA and Respondent (the “Parties”). An extension of the time for performing an obligation directly affected by the force majeure event shall not, of itself, extend the time for performing a subsequent obligation.

4. Respondent shall have the burden of demonstrating, by a preponderance of the evidence, that the actual or anticipated delay has been or will be caused by a force majeure event, that the duration of the delay was or will be warranted under the circumstances, that Respondent did exercise or is using its best efforts to avoid and mitigate the effects of the delay, and that Respondent complied with the requirements of this section.

VII. FAILURE TO COMPLY WITH THIS AOC

1. EPA reserves all available legal and equitable remedies to enforce this AOC, and the right to seek recovery of any costs and attorney fees incurred by EPA in any actions against Respondent for non-compliance with this AOC.
2. EPA expressly reserves its right to seek civil, administrative, or criminal penalties for any violations of the CWA that occur or have occurred at Respondent's Facility.
3. Notice is hereby given that failure to comply with any of the Compliance Requirements in Section IV of this AOC may result in Respondent's liability for civil penalties for each violation of up to \$64,618 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court may impose such penalties if the Court determines that Respondent has failed to comply with any such requirements. The District Court has the authority to impose separate civil penalties for each violation of the CWA.

VIII. EFFECT OF SETTLEMENT/RESERVATION OF RIGHTS

1. Respondent neither admits nor denies the factual allegations and legal conclusions contained in this AOC, except to the extent that those allegations provide EPA with a jurisdictional basis to enforce this AOC.
2. In any enforcement action brought to enforce this AOC, the AOC shall be construed both as a contract and an enforceable order. Accordingly, the remedies available to the EPA in enforcing this AOC may include, but not be limited to, specific performance of the requirements set forth in this AOC, damages for failure to timely complete a milestone or milestones, measured by the financial savings to Respondent, injunctive and equitable remedies and statutory penalties.
3. Except as expressly stated herein, Respondent reserves all defenses and all rights and remedies, legal and equitable, available to it in any action brought by the United States or by Respondent under this AOC, the CWA, or any other federal or state statutes, regulations or rules. This AOC shall not be construed as a waiver of any defenses or remedies that Respondent may have to any future alleged violations of any User Agreements discharge limits, or of the federal and state laws and regulations governing said permits.
4. For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 162-21(b)(2), performance of the Compliance Provisions set forth in Section IV of this AOC is required to come into compliance with the law.

IX. SCOPE OF THIS AOC

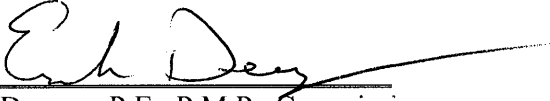
1. This AOC is not, and shall not be construed to be, a permit under the CWA, nor shall it in any way relieve or affect Respondent's obligations under the CWA, or any other applicable federal, state, or local laws, regulations, or permits. Compliance with this AOC shall be no defense to any actions commenced pursuant to any such laws, regulations, or permits.
2. Neither the issuance of this AOC, nor Respondent's compliance with it, shall in any way affect the rights of EPA or the United States against any person not a party hereto.
3. This AOC shall in no way affect EPA's authority to enter, inspect, sample, or monitor compliance under any law, regulation, permit, court order, or agreement.

X. EFFECTIVE DATE

This AOC shall become effective upon the date of execution by the Director, Enforcement and Compliance Assurance Division.

FOR: COUNTY OF ORANGE

Dated: 2/28/23

Signed: 
Erik Denega, P.E., P.M.P., Commissioner
Orange County Department of Public Works
Division of Environmental Facilities & Services

FOR: UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Dated: 03/28/2023

Signed: _____
For Dore LaPosta, Director
Enforcement and Compliance Assurance Division

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Orange County
2455-2459 Route 17M
Goshen, New York 10924-0637

OCSD #1 Harriman Sewage Treatment Plant
SPDES Permit No. NY0027901

RESPONDENT

Proceeding pursuant to Section 309(a) of the
Clean Water Act, 33 U.S.C. § 1319(a)

ADMINISTRATIVE ORDER ON
CONSENT

CWA-02-2023-3013

ACKNOWLEDGMENT OF RECEIPT OF
ADMINISTRATIVE ORDER ON CONSENT

I, Erik Denega, an authorized representative of the County of Orange,
with the title of, Commissioner of Public Works, do hereby acknowledge the receipt
of the ADMINISTRATIVE ORDER ON CONSENT, CWA-02-2023-3013.

DATE: 2/28/23

SIGNED: Eh Denega